<u>**S/N 09/838,695**</u>   <u>**PATENT**</u>

<u>**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**</u>

Applicant:	Michael Dove	Examiner: Steven Paul Sax
Serial No.:	09/838,695	Group Art Unit: 2174
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Title:	APPARATUS AND METHOD FOR PERSISTENT DISPLAY INTERFACE	

Mail Stop Appeal Brief – Patents
Commissioner for Patents
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<u>**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**</u>

In response to the Notification of Non-Compliant Appeal Brief mailed on February 19, 2008, Applicant respectfully submits the following "Summary of Claimed Subject Matter" in replacement of the defective section noted in the Notification. As indicated in the Notification, an entire brief is not being submitted, just the revised Summary.

Applicant is also requesting a one month extension of time along with this response. Thus, the period for response is extended from March 19, 2008 until April 21, 2008. Accordingly, this response is timely.

(5)   Summary of Claimed Subject Matter

It is noted that, in this Summary, all citations made are to the text and Figures of the Application on appeal.

The claimed subject matter relates to methods and apparatus for producing a perceptible representation of program data windows, such as windows displayed in a window-based operating system, such as Microsoft Windows®, Linux® and the like. One such apparatus is recited in <u>claim 1</u> and includes an arbiter that is configured to select a program to be a dominant program from among a plurality of programs seeking a master persistence attribute to display a program data window according to a predetermined priority hierarchy. *See, e.g.,* FIG. 1 (arbiter 101); page 9, line 30- page 11, line 1. In the apparatus recited in <u>claim 1</u>, the arbiter is adapted to assign the master persistence attribute to the selected program, where the program data window of the selected program is displayed concurrently with program data windows of other programs

of the plurality of programs while not being obscured by the program data windows of the other programs and while overlapping at least one program data window of the other programs. *See, e.g.,* page 7, lines 22 – 35; page 22, line 30 – page 23, line 8.

Claim 10 is directed to a graphics display apparatus that comprises a gatekeeper. In the apparatus of claim 10, the gatekeeper is adapted to select given programs to be granted a key to request a persistence attribute. *See, e.g.,* page 4, lines 12-26; FIG. 2 (gatekeeper 204); page 11, line 26 – page 12, line 15. The persistence attribute of claim 10 may operate in a similar fashion as the persistence attribute of claim 1. For example, upon a selected program's receipt of the persistence attribute (*See, e.g.,* page 12, lines 16-28), a program data window for the selected program is displayed concurrently with program data windows of other programs without being obscured and while overlapping at least one other program window. *See, e.g.,* page 7, lines 22 – 35; page 22, line 30 – page 23, line 8.

Claim 20 is directed to a graphic display apparatus that includes a gatekeeper (*See, e.g.,* page 4, lines 12-26; FIG. 2 (gatekeeper 204); page 11, line26 – page 12, line 15) adapted to select given programs seeking to be granted a master persistence attribute and an arbiter (*See, e.g.,* FIG. 1 (arbiter 101); page 9, line 30 – page 11, line 1) adapted to select a dominant program from the given programs. A program data window of the dominant program of claim 20 may behave in substantially the same fashion as discussed above with respect to claims 1 and 10. That is, the selected program is displayed concurrently with program data windows of other programs without being obscured and while overlapping at least one other program window. *See, e.g.,* page 7, lines 22 – 35; page 22, line 30 – page 23, line 8.

Claim 31 is directed to a graphics system that includes a video input, a video output and a display controller. *See, e.g.,* FIG. 9 (Analog Video In, Digital Video In, Analog Video Out and Display Controller 950); page 22, lines 1 – 9. The system of claim 31 further includes an arbiter (FIG 9, arbiter 901a) that is adapted to effect selective transmission by granting a persistence attribute. *See, e.g.,* page 22, lines 21 – 29. The arbiter of claim 31 may operate in similar fashion as the arbiters of claims 1 and 20 to assign a persistence attribute to a program data window and display the selected program window without being obscured by other program data windows while overlapping at least one other program data window. *See, e.g.,* FIG. 1 (arbiter 101); page 9, line 30 – page 11, line 1; page 7, lines 22 – 35; page 22, line 30 – page 23, line 8.

In claim 31, the video output is adapted to write data to a set pixel memory locations. *See, e.g.,* page 9, lines 21 – 25.

Claim 37 is directed to method of assigning a persistence attribute that includes requesting a master persistence attribute from a gatekeeper. *See, e.g.,* FIG. 2; page 11, lines 26 – 30. The method of claim 37 further includes assigning a set of priority rules to the gatekeeper via a configuration application program. *See, e.g.,* page 5, lines 20 -21. In claim 37, keys are granted to given programs by the gatekeeper, where the keys allow the given programs to access the arbiter. *See, e.g.,* FIG. 2, page 11, lines 26 – 30. The method of claim 37 still further includes examining an arbiter access control table with the arbiter, where the arbiter access control table is adapted to store a predetermined priority hierarchy. *See, e.g.,* page 11, lines 7 – 9; page 10, lines 14 – 17. Claim 37 additionally includes assigning the persistence attribute to a selected program of the given programs, the persistence attribute adapted to grant the selected program access to a dominant display window. *See, e.g.,* page 12, lines 16-28. Furthermore, in claim 37, the dominant display window is adapted to display data of the selected program concurrently with display windows of other programs of the given programs while not being obscured by the display windows of the other programs and while overlapping at least one of the display windows of the other programs. *See, e.g.,* page 7, lines 22 – 35; page 22, line 30 – page 23, line 8.

Claim 38 is a directed to a computer readable medium having instructions stored thereon for assigning a master persistence attribute. *See, e.g.,* page 3, lines 15 – 20. The instructions of the computer readable medium, when executed, provide a gatekeeper adapted to grant an access token to the plurality of programs, the access token adapted to allow access to an arbiter according to a predetermined access hierarchy. *See, e.g.,* FIG. 2, page 11, lines 26 – 30. The instructions of the computer readable medium, when executed, further provide for the arbiter assigning the master persistence attribute to the selected program, thereby granting access to a dominant display window. *See, e.g.,* page 12, lines 16-28. In claim 38, the dominant display window is adapted to display data of the selected program concurrently with display windows of other programs while not being obscured by the display windows of the other programs and while overlapping at least one display window of the other programs. *See, e.g.,* page 7, lines 22 – 35; page 22, line 30 – page 23, line 8.

Claim 41 is directed to a method of assigning a master persistence display attribute that includes requesting the persistence attribute from a gatekeeper. *See, e.g.,* FIG. 2; page 11, lines 26 – 30. The method of claim 41 further includes accessing, with the gatekeeper, a configuration table adapted to store a predetermined priority hierarchy and granting, with the gatekeeper, keys to given application programs of the plurality of programs. *See, e.g.,* page 15, lines 1 -12. The method of claim 41 still further includes applying the keys, with the given application programs, to access an arbiter adapted to examine an arbiter access control table adapted to store the predetermined priority hierarchy. *See, e.g.,* page 16, lines 11, - 26. Claim 41 additionally includes assigning, with the arbiter, the master persistence display attribute to the selected application program, the master persistence attribute adapted to grant the selected program access to a dominant display window. *See, e.g.,* page 12, lines 16-28. In claim 41, the selected program displays data in the dominant display window concurrently with display windows of other programs of the given programs while not being obscured by the display windows of the other programs and while overlapping at least one of the display windows of the other programs. *See, e.g.,* page 7, lines 22 – 35; page 22, line 30 – page 23, line 8.

Claim 42 is directed to an apparatus for producing a perceptible representation of program data windows, the apparatus comprising an arbiter adapted to select a program to be a dominant program from among a plurality of programs seeking a master persistence attribute to display a program data window according to a predetermined priority hierarchy, and to assign the master persistence attribute to the selected program. *See, e.g.,* FIG. 1 (arbiter 101); page 9, line 30- page 11, line 1. In claim 42, the perceptible representation of program data windows is rendered on one of a computer, a communication pad, a telephony device, a handheld remote control device, and a handheld computing device. *See, e.g.,* page 8, lines 26 – 30. In the apparatus of claim 42, the selected program displays a dominant program data window concurrently with program data windows of other programs while not being obscured by the program data window of the other programs and while overlapping at least one program data window of the other programs. *See, e.g.,* page 7, lines 22 – 35; page 22, line 30 – page 23, line 8.

Conclusion

Applicant respectfully submits that the foregoing replacement "Summary of Claimed Subject Matter" cures the defects noted in the Notification mailed on February 19, 2008. Accordingly, Applicant respectfully requests that the present Application be docketed to the Examiner of record for preparation of an Examiner's Answer. If there are any questions that may be address via telephone, Applicant's undersigned representative may be reached at 360-930-3533. Applicants are paying the one-month extension of time fee herewith. If necessary, please charge any additional fees or credit any overpayments to Deposit Account No. 50-3521.

Respectfully submitted,

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